

17. At the outset of his interrogation by the Israel Security Agency, the Defendant denied that he was a leader of the Tanzim and the al-Aqsa Martyrs Brigades, but confirmed that he was the person in charge of the military operations of the Fatah (Transcript Prosecution/17 Section 6, which was submitted and verified by an interrogator by the name of "Arbel", on p. 80, Transcript Prosecution/43 Section 6 that was submitted and verified by an interrogator by the name of "Robert", on p. 62, and a Transcript of the Interrogation Prosecution/98 (a), on pp. 43-44). The Defendant claimed that the Brigades were nothing more than scattered cells throughout the area of the West Bank and that they did not have any orderly organizational structure or central command (Transcript of Conversation Prosecution/98 (e), on pp. 60-61). The Defendant also said during the course of his interrogation that Arafat was effectively his direct commander and his superior and he defined himself as **"responsible for all of the operations of the Fatah in the West Bank itself because he was secretary general of the organization in the West Bank"** (Prosecution/24 Section 3 (b), 5).

The Defendant confirmed that he was the leader of Fatah in the "field" while Yasser Arafat held the position of the head of the Fatah (Transcript of Conversation Prosecution/98 (a), on p. 67). In this manner, the Defendant also explained during the course of his interrogation the fact that members of the cells approached him with requests for money because they considered him the **"commander"** as well as **"the person who was in charge of the Fatah in the West Bank,"** insofar as he was the political spokesperson of the movement and because he maintained a policy and a position that supported the continuation of the struggle against the occupation (Transcript of Conversation Prosecution/98 (e), on pp. 3-4, 61; Prosecution/98 (d), on pp. 33-35). The Defendant explained how he was seen in the eyes of cell members when he said: **"I am their commander and they consider me to be their symbol."** He also confirmed that there is no one else whom they consider to be their leader (Prosecution 98 (i), on pp. 6-7).

In statements that he made during the course of his trial, the Defendant claimed more than once that he was "political leader" of the Fatah and emphasized his position as secretary general of the Fatah in the West Bank, as well as the fact that he is a member of the Palestinian Parliament [Legislative Council]. He also made these claims at the outset of his interrogation by the Israel Security Agency. During the course of his interrogation by the police, the Defendant also denied that he was in charge of the Tanzim or the al-Aqsa Martyrs Brigades (Prosecution/106, on pp. 3, 6). Notwithstanding, during the course of his interrogation by the Israel Security Agency, the Defendant admitted that he was the commander of the Fatah in the West Bank and the commander of the Tanzim (Transcript Prosecution/18 Section 3 that was submitted and verified by an interrogator by the name of "Nadav", on p. 78), that he established the al-Aqsa Martyrs Brigades and was responsible for their operations; for this reason he objected to the activity of the security forces belonging to the Palestinian Authority (in accordance with statements by John Doe No. 1 in Transcript Prosecution/117 Section 15, which was submitted by an interrogator by the name of "Robert", on p. 154).

The Defendant told Agent John Doe No. 3 in their conversation that he was indeed responsible for the Fatah and for the al-Aqsa Martyrs Brigades but that he was “not crazy [enough] to sign” his name on a piece of paper that would contain these written statements; when the agent asked the Defendant if he was, in spite of this, responsible for the acts of the terrorists, the Defendant responded that he was indeed responsible but “not stupid [enough] to tell this to the interrogators” (Transcript Prosecution/123, on p. 2, which was submitted by an interrogator by the name of by the name of “Ofir”). In a meeting between the Defendant and [REDACTED] when they were arrested, which was recorded without their knowledge, the Defendant told [REDACTED] that he said during the course of his interrogation that he has no connection to the al-Aqsa Martyrs Brigades. The two laughed and [REDACTED] advised the Defendant to say that only he – [REDACTED] – had a connection to the Brigades; the Defendant responded that he had said during the course of his interrogation that he would have fired [REDACTED] if he knew that he had a connection to the al-Aqsa Martyrs Brigades and [REDACTED] laughed when he heard this (Transcription of Conversation Prosecution/127 (c) on p. 87).

The Defendant confirmed during the course of his interrogation that beyond being a political leader he was also in charge of the military aspects of the Fatah (Transcript Prosecution/59 Section 6 that was submitted and verified by an interrogator by the name of “Wadi”, on p. 96). The Defendant defined himself as “**in charge of all of the operations of the Tanzim in the Fatah in his region**” (Transcription of Conversation Prosecution/98 (d) on p. 42). He even confessed that he was “**in charge of everything that was undertaken, including supplying money to the cells, purchasing weapons and carrying out terrorist attacks**” (Transcript Prosecution/29 Section 1 (c) that was submitted and verified by an interrogator by the name of “Smith”, on p. 85) and that he was considered as a “**military commander**” and “**in charge of the military aspects of Fatah,**” in addition to being a political leader and elected official (Transcript Prosecution/19 Section 2 and Transcript Prosecution/59 Sections 5-6, which were submitted and verified by an interrogator by the name of “Mofaz”, on p. 58).

The Defendant said that in the year prior to his arrest, “**I began to find myself more involved in dealing with issues of weapons and explosives and issues of military operations**” (Transcript Prosecution/25 Section 19, which was submitted and verified by an interrogator by the name of “Mofaz”, on p. 58; see also Transcript of Conversation Prosecution/98 (d) on p. 15). He explained that he was required to take part in “military operations” in order to control the Palestinian street and to push the Hamas and the Islamic Jihad aside, so that in the future, he could point to himself as someone who had taken action in favor of both peace and war (Transcript Prosecution/52, which was submitted and verified by an interrogator by the name of “Smith”, on p. 85).

C. Testimony of Terrorism Operatives from the Movement for the Liberation of Palestine with Respect to Their Relationship with the Defendant, His Involvement in Terrorist Attacks and the Defendant's Responses to this Testimony

18. The Prosecution does not claim that the Defendant initiated or took a direct part in the perpetration of the terrorist attacks that are the subject of the indictment, since it is aware of the fact that the evidence indicates that the field commanders and field operatives were given broad authority and much room for maneuvering when carrying out terrorist attacks, and that they were not required to obtain the Defendant's approval for each terrorist attack. The Prosecution also agrees that the Defendant did not know in advance about each individual terrorist attack: he was aware of the activities of the field commanders and field operatives subordinate to him in a general way, and that they were acting in accordance with the terrorist attack policy that he had helped design; sometimes he was informed before a terrorist attack and sometimes only afterwards (on p. 47 of the Summations of the Prosecution).

As is shown by the evidence described below, the Defendant was the leader of terror cells that were part of Tanzim and al-Aqsa Martyrs Brigades. At least some members of these cells followed his orders and acted in accordance with policy that he set. In addition, it clearly emerges from the evidence that the Defendant assisted the commanders of the cells and terrorism operatives by supplying weapons, explosives and funding. In several cases, the Defendant approved terrorist attacks against Israel in advance. Therefore, this Chapter will examine who the terrorist operatives who acted under the Defendant's leadership were and the relationship of the Defendant to these operatives. The next Chapter will examine the terrorist attacks in which these terrorism operatives were involved and the degree of the Defendant's connection to them.

(1) [REDACTED]

19. [REDACTED] (hereinafter – [REDACTED]), is one of the senior terrorism operatives of the Tanzim in the Nablus region. As result of his activity, he was sentenced by this Court to 14 terms of life imprisonment and another 50 cumulative years in prison (Prosecution/172 (a) – (b)). In his testimony (on pp. 180 – 182), [REDACTED] refused to answer questions, and after he was declared a hostile witness, his police statements were submitted in accordance with Section 10 (a) of the Rules of Evidence (Prosecution/172 – Prosecution/177). The only thing that [REDACTED] was willing to say in his testimony was that everything that was recorded in his statement were lies on the part of the Israel Security Agency and that the handwriting that appears in his statement is also that of Israel Security Agency personnel. He claimed that he had undergone very harsh means of interrogation.

The statements that [REDACTED] made to the police were written in his handwriting and translated into Hebrew by the interrogator who took the statements, confirmed having taken them and further testified that the statements were made by [REDACTED] of his own free will ([REDACTED] on pp. 191 – 192). Similarly, reports prepared by the Israel Security Agency of Aweis's statements during interrogation were also submitted (Prosecution/178 (a) – (d)). These were verified by the Israel Security Agency interrogators who testified that [REDACTED] said what he said of his own free will, even though this document is only a summary rather than a word for word transcript of his words ("Ariel", on p. 203, "Adi", on p. 204, "Yoel", on pp. 204 – 205). Transcript Prosecution/178 (c) was recorded by an interrogator by the name of "Zadok" who did not refer to it in his testimony (on pp. 83 – 84) and did not return to testify after [REDACTED]'s testimony and therefore should be ignored.

20. [REDACTED] stated in Statement Prosecution/172 (b) (on pp. 1 – 2), which is written in his own handwriting, that after the al-Aqsa *intifada* began in September 2000, he began to carry out terrorist attacks against Israeli targets while also serving in the Palestinian national security forces in Nablus with the rank of captain (Nakiv). He perpetrated shooting terrorist attacks and other terrorist attacks against Israeli targets in the Judea and Samaria region and also within Israel. In his Statements Prosecution/172 – Prosecution/174, he lists these attacks, which included shooting on military posts and military vehicles; transferring weapons and explosives to others in order for them to perpetrate suicide terrorist attacks in Jerusalem, Netanya and Hadera, etc.
21. In his statement, [REDACTED] said that he perpetrated the terrorist attacks in the name of the al-Aqsa Martyrs Brigades and explained that this organization belongs to the Fatah movement and the Tanzim Fatah (Prosecution/172 (b), on p. 3). [REDACTED] said that funding for the terrorist attacks came from members of the Tanzim, and that the Defendant himself funded the weapons for the terrorist attacks in which

he, [REDACTED], was involved – sometimes directly and sometimes through [REDACTED] – knowing that [REDACTED] carried out terrorist attacks against Israeli targets. In one case, the Defendant gave [REDACTED] a check that had been approved by Chairman Arafat (on pp. 6 – 7). [REDACTED] also said during the course of his interrogation that he was in contact with the Defendant for an extended period of time; when asked if the Defendant knew that he was carrying out terrorist attacks against Israeli targets, he answered (on pp. 4-5):

“Yes he knows and my name was also publicized in newspapers, on television and on the radio and I would speak with him occasionally and when the political situation deteriorated and was bad for us, he asked that we continue the terrorist attacks and when [REDACTED] and [REDACTED] met with leaders from the Palestinian Authority, Marwan Barghouti called me and asked us to stop the terrorist attacks... During that period, Zinni was in the area and Marwan said that it would be preferable not to carry out terrorist attacks in the name of the al-Aqsa Martyrs Brigades while General Zinni was meeting with leaders of the Palestinian Authority. It should be noted that when the talks progressed, no terrorist attacks were perpetrated.”

Speaking to Agent John Doe No. 1, the Defendant expressed anger that [REDACTED] had confessed during the course of his interrogation, how the Defendant had behaved during General Zinni’s visit to the region (Prosecution/113 (a) Sections 8 – 9, Prosecution/114 (a) Section 8, which were submitted and verified by an interrogator by the name of “Robert”, on p. 154; and transcript of the interrogation of the Defendant Prosecution/98 (h), on p. 3).

22. With respect to his relationship with the Defendant, [REDACTED] said in his Israel Security Agency interrogation that he had submitted requests for assistance from several field operatives to the Defendant and that he himself had received money from the Defendant three times (Transcript Prosecution/178 (a) Section 10). The Defendant was a supervisor in the Tanzim and sometimes transferred financial assistance to himself and to other operatives, after receiving approval from Chairman Arafat (Prosecution/178 (b) Section 10). Generally, [REDACTED] received the money from the Defendant through the middleman [REDACTED] but sometimes the Defendant would send him money directly; [REDACTED] did not usually tell the Defendant the purpose of the money, but throughout the West Bank, the nature of [REDACTED]’s activity was well known (Prosecution/178 (d) Section 5 (k)).

█████ said during the course of his interrogation that the terrorist attacks of the Tanzim were perpetrated with the knowledge and assistance of the Tanzim leadership. After the terrorist attack in the Hadera banquet hall and the entire time that talks were being with Israel, they would give orders to cease the terrorist attacks; however when the talks did not progress, the operatives renewed the terrorist attacks until they were given a new order by their leaders to stop them. In this framework, the Defendant gave orders to cease the terrorist attacks during the visit of General Zinni and leaders from Russia and Europe in Israel (Prosecution/170 8 (d) Section 5 (j)).

23. █████'s description of his relationship with the Defendant, in accordance with that which has been set forth during the course of his interrogation, is supported by statements that the Defendant made during his Israel Security Agency interrogation. When the Defendant and █████ met during the course of their interrogation (Prosecution/79 (b)) and █████ began to read his police statement, the Defendant ordered him to say that it was a forgery, and indeed █████ quickly said this (interrogator "Zadok", on p. 84). However, the Defendant himself confirmed during interrogation that █████ was the most senior military operative of the Tanzim Fatah in Nablus and that he was in charge of the al-Aqsa Martyrs Brigades in Nablus (Transcript Prosecution/90 Section 7, which was submitted and verified by an interrogator by the name of "Steve", on p. 53). The Defendant admitted that he knew that █████ was involved in extensive "military operations" and when he wanted to ensure that the terrorist attacks were halted, he would contact █████ and instruct him to cease the terrorist attacks (Transcript Prosecution/24 Section 6, which was submitted and verified by an interrogator by the name of "Smith", on p. 85; and Transcript of Conversation Prosecution/98 (i) on pp. 2 – 3).

The Defendant admitted that he sent █████, through █████ and █████, approximately 20,000 New Israeli Shekels (NIS) and possibly even NIS 50,000 – NIS 70,000 in order to finance his activities and that he had received approval for this from Chairman Arafat, but without noting the purpose of the financial aid (Transcript Prosecution/19 Section 16, which was submitted and verified by an interrogator by the name of "Mofaz", on p. 58; Transcript Prosecution/38 Section 4, which was submitted and verified by an interrogator by the name of "Smith", on p. 85; Transcripts Prosecution/40 Section 8 and Prosecution/41 Section 9, which were submitted and verified by an interrogator by the name of "Mofaz", on p. 58; Conversation Transcript Prosecution/98 (i) on pp. 3-4). The Defendant even admitted

that some of the money that he gave [REDACTED] was intended for the purchase of 1,000 bullets for an M-16 rifle and for a Galil type rifle and even declared that he **“takes responsibility for all of the money that [REDACTED] had obtained for the funding of terrorist attacks in the Occupied Territories, for the purchase of weapons and ammunition”** (Prosecution/41 Sections 6 – 9).

The Defendant also confirmed during the course of his interrogation that [REDACTED] operated cells that were organized under the command of the Defendant (Transcript Prosecution/29 Section 1, which was submitted and verified by an interrogator by the name of “Smith”, on p. 85). However, the Defendant emphasized that he himself did not order [REDACTED] to carry out terrorist attacks (Transcript Prosecution/31 Section 6). In spite of this, Agent John Doe No. 1 testified that the Defendant told him that he had given [REDACTED] orders to carry out terrorist attacks (on p. 104).

The Defendant also admitted that subsequent to the terrorist attack in Neve Ya'akov or on the Atarot Bridge (the Defendant could not remember which) [REDACTED] sent him the poster taking responsibility and the Defendant approved it in a conversation with [REDACTED] (Transcript Prosecution/49 Section 7, which was submitted and approved by an interrogator by the name of “Emile”, on p. 54; and Transcript Prosecution/52 that was submitted and verified by an interrogator by the name of “Smith”, on p. 85).

(2) [REDACTED]

24. [REDACTED] (hereinafter – [REDACTED]) is one of the senior terrorism operatives of the Tanzim and al-Aqsa Martyrs Brigade in the Jerusalem and Ramallah and he, too, was subordinate to the Defendant and received assistance from him in order to carry out terrorist attacks against Israel. For this activity, [REDACTED] was sentenced, on the basis of his confession, to seven life sentences and another 50 consecutive years in prison (Prosecution/148 (a) – (b)). In his testimony, [REDACTED] refused to answer any questions; he was declared a hostile witness and his police statements were submitted in accordance with Section 10 (a) of the Rules of Evidence (on pp. 40 – 41). These statements (Prosecution 149 (a) – (d)) were submitted by the police interrogators [REDACTED] and [REDACTED] (on pp. 194 – 195, 207, 211) who testified that [REDACTED] gave them of his own free will and signed them. The statements were made in Hebrew, at the request of [REDACTED], whom the interrogators said speaks Hebrew well.

25. In his statement, [REDACTED] listed the murderous terrorist attacks against Israelis in which he was involved, and said that he approached the Defendant for financial assistance in order to purchase ammunition, and that the Defendant had referred him to his associate, [REDACTED], who is known as [REDACTED] who did in fact give [REDACTED] money for the purchase of weapons and ammunition on several occasions (Prosecution/149 (a), on p. 9; Prosecution/149 (c), on pp. 5 – 6). Other members of [REDACTED]'s cell also approached the Defendant for money in order to purchase weapons (Prosecution/149, on p. 6). At a certain stage, [REDACTED] asked the Defendant to pay for the purchase of a machine gun, and he eventually was given money for this purpose by [REDACTED] (Prosecution/149 (c), on p. 7). [REDACTED] also said that the Defendant met with a weapons dealer with respect to the purchase of hand grenades but in the end they were only shock grenades (on pp. 7 – 8).

[REDACTED] said that he established the al-Aqsa Martyrs Brigade after the beginning of the *intifada* in December 2000 (on p. 4). He explained that he received an offer to join the cell that was under the leadership of the head of the Palestinian Authority's security agency, [REDACTED], but that he preferred the Defendant's offer that he be subordinate to him and receive a salary for himself and his men, since he considered the Defendant "a political leader who would not lie" (Prosecution/149 (a), on pp. 15 – 16).

After that, [REDACTED] recruited additional operatives to support the Defendant, established the al-Aqsa Martyrs Brigades and began to carry out terrorist attacks against Israel Defense Forces roadblocks and settlers (on p. 17). With respect to the Defendant, he said that he considered him "a political leader" although he himself was a member of the military branch of the organization (on p. 17). When the commander of the cell was killed, [REDACTED] introduced the successor to the Defendant (Prosecution/149, on p. 7).

In one of his statements, [REDACTED] related an event at which he was present, together with other members of the cell, and one of them told the Defendant of his intent to perpetrate a terrorist attack in the Nablus area, and asked the Defendant for assistance in purchasing a weapon and a car. He also asked the Defendant to contact [REDACTED] for him so that he could help him with the terrorist attack. [REDACTED] said the Defendant contacted [REDACTED], who did indeed help the cell perpetrate a terrorist attack; after the terrorist attack he reported to the Defendant that in an encounter with Israel Defense Forces soldiers, the members of the cell lost their weapons, and the Defendant promised to take care of the matter (Prosecution 149 (c), on p. 9).

Towards the end of 2001, when mortar shells began to be fired at Israeli settlements, ██████ discussed with the Defendant the necessity of obtaining mortars with a larger range. ██████ approached the Defendant for the purpose of funding the purchase of mortar shells but the Defendant answered that they were too expensive and that "he has a surprise" in this regard and that ██████ would explain it to him; the latter explained to ██████ that they already had a mortar and shells (Prosecution/149 (c), on p. 10). ██████ also reported to the Defendant that mortar shells had been fired at the settlement of Psagot and the Defendant asked him not to tell anyone about it and said that if Arafat knew he would put him in jail (on p. 11).

26. From the statements of ██████, it is possible to get the impression that he tried to prevent the Defendant from becoming directly involved in terrorist attacks and that he even told other operatives not to ensnare the Defendant in their actions, since the Defendant needed to remain "a political leader" (Prosecution/149 (c) on pp. 8 – 9, 12). In the context of ██████'s attempts to cover up the involvement of the in terrorist attacks, he also tried to minimize the involvement of ██████ in the murder of Talia and Benjamin Kahane, of blessed memory, who were killed with the weapon that ██████ had given to the terrorist (Prosecution/149 (d), on p. 5; see also details of the incident in Chapter E (1) below).
27. The Defendant admitted during the course of his interrogation that he had instructed ██████ (his finance person) to purchase weapons and explosives for Tanzim activities and to transfer them to ██████. During the course of his interrogation, the Defendant also referred to the event that ██████ had described in the statement, with respect to the purchase of non-functional hand grenades (Transcript Prosecution/43 Sections 2 – 5, which was submitted and verified by an interrogator by the name of "Robert", on p. 62). The Defendant admitted that the cells that had been led by ██████ had received assistance from him totaling approximately NIS 40,000 (Transcript Prosecution/63 Section 20, which was submitted and verified by an interrogator by the name of "Naor", on p. 82). The Defendant said that when he made the strategic decision to carry out terrorist attacks, he established the cell, while the terrorist attacks were led by, *inter alia*, ██████ (Transcript Prosecution/35 Section 1, which was submitted and verified by an interrogator by the name of "Danny", on p. 90). When the Defendant was asked during the course of his interrogation who were the people who belonged to the terrorist cells under his control, he said of ██████: **"he is considered by me"** [sic] (Transcription of Conversation Prosecution/98 (k), on p. 34, where it mistakenly says ██████ in the Hebrew instead of ██████).

(3) [REDACTED]

28. [REDACTED] (who is known as [REDACTED]) is a family member of the Defendant and was his close assistant, in addition to being the Defendant's driver and bodyguard (see his Statement Prosecution/165 (a) on p. 1; and Transcript Prosecution/165 (f), which was submitted and verified by an interrogator by the name of "Adam" and "Danny", on pp. 200-201).

During the course of his interrogation, [REDACTED] said that he had been under the complete direct control of the Defendant (Transcript Prosecution/165 (j), which was submitted and verified by an interrogator by the name of "Adam", on p. 201). It is not a coincidence that [REDACTED] was arrested together with the Defendant, since his name appears in the evidence in many contexts related to the terrorist attacks perpetrated by the field operatives of the Tanzim and al-Aqsa Martyrs Brigades.

[REDACTED] refused to answer any questions during his testimony (on pp. 161-163), and after he was declared a hostile witness, his police statements were submitted in accordance with Section 10 (a) of the Rules of Evidence (Prosecution/165 (a)-(e)).

These statements were submitted and verified by the police officers [REDACTED] and [REDACTED] (on pp. 171, 184 and 206-207). The interrogators testified that they interrogated [REDACTED] in Arabic but that they wrote down his testimony in Hebrew (which is not in accordance with that which is customary and required). All of the interrogators testified that he gave all of the statements of his own free will.

Similarly, a document was submitted that was written by [REDACTED] in his own handwriting and in Arabic and was translated (Prosecution/165(c) (1 - 2)). During the course of his interrogation, he admitted that the handwriting in this document is his handwriting ([REDACTED] on p. 185). In addition, Israel Security Agency interrogators submitted the transcripts that were taken down during the interrogation of [REDACTED] (Prosecution/165 (f)-(p), which were submitted and verified as follows: Prosecution/165 (f) by "Adam", on p. 201 and by "Danny", on p. 200; Prosecution/165 (j) by "Adam", on p. 201; Prosecution/165 (m) by